

105TH CONGRESS
2D SESSION

H. R. 4159

To amend section 1926 of the Public Health Service Act to waive sanctions against a State that provides for drivers'-license-related sanctions for minors who purchase or possess tobacco products for personal consumption.

IN THE HOUSE OF REPRESENTATIVES

JUNE 25, 1998

Mr. BLUNT (for himself, Mr. SESSIONS, Mr. HALL of Texas, Mrs. EMERSON, Mr. SHIMKUS, Mr. MCCOLLUM, Mr. HILL, Mr. REGULA, Mr. LEWIS of Kentucky, Mr. PITTS, Ms. GRANGER, Mr. SOUDER, Mr. SNOWBARGER, Mrs. MYRICK, Mr. GUTKNECHT, and Ms. PRYCE of Ohio) introduced the following bill; which was referred to the Committee on Commerce

A BILL

To amend section 1926 of the Public Health Service Act to waive sanctions against a State that provides for drivers'-license-related sanctions for minors who purchase or possess tobacco products for personal consumption.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

1 **SECTION 1. WAIVER OF SANCTIONS FOR STATES THAT**
2 **ENACT DRIVER’S-LICENSE-RELATED SANC-**
3 **TIONS FOR MINORS WHO PURCHASE OR POS-**
4 **SESS TOBACCO PRODUCTS FOR PERSONAL**
5 **CONSUMPTION.**

6 (a) IN GENERAL.—Section 1926 of the Public Health
7 Service Act (42 U.S.C. 300x–26) is amended—

8 (1) in subsection (b), by inserting “Subject to
9 subsection (e)—” after “(b) ENFORCEMENT.—”;

10 (2) in subsection (c), by striking “Before mak-
11 ing” and inserting “Subject to subsection (e), before
12 making”, and

13 (3) by adding at the end the following new sub-
14 section:

15 “(e) WAIVER OF REQUIREMENTS AND SANCTIONS IN
16 CASE OF STATE ENACTING DRIVERS’-LICENSE-RELATED
17 SANCTIONS FOR MINORS WHO PURCHASE OR POSSESS
18 TOBACCO PRODUCTS FOR PERSONAL CONSUMPTION.—

19 “(1) IN GENERAL.—The requirements of sub-
20 section (b) and any sanctions under subsection (c)
21 shall not apply to a State for a fiscal year if the
22 State demonstrates to the satisfaction of the Sec-
23 retary that it has in effect (as of the first day of the
24 fiscal year) a law which provides at least the follow-
25 ing sanctions in the case of an individual under 18
26 years of age who purchases (or attempts to pur-

chase) or possesses a tobacco product for the purpose of personal consumption:

“(A) DELAY IN OBTAINING DRIVER’S LICENSE.—In the case of such an individual who does not have a general motor vehicle operator’s permit, a delay by at least 2 months in the minimum qualifying age to obtain such a permit (or, in the case of an individual who has reached such age, such a delay from the date of determination of the offense).

“(B) SUSPENSION OF DRIVER’S LICENSE PRIVILEGES.—In the case of such an individual who has such a permit, a suspension of driving privileges under such a permit for a period of at least 2 months.

Notwithstanding the previous sentence, a State may provide for a process for granting on a case-by-case basis exceptions to the imposition of such sanctions in circumstances under which the imposition of the sanctions would impose an undue hardship.

“(2) CONSTRUCTION.—Paragraph (1) shall not be construed as applying to the purchase or possession by an individual of a product in the course of carrying on a lawful trade or business (such as the

1 lawful production, distribution, or sale of ciga-
2 rettes).”.

3 (b) EFFECTIVE DATE.—The amendments made by
4 subsection (a) shall apply to fiscal years beginning with
5 fiscal year 1999.

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